

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRIAN BORENSTEIN,

Case No. 2:16-CV-2937 JCM (CWH)

Plaintiff(s),

ORDER

V.

STONEGATE APARTMENTS,

Defendant(s).

Presently before the court is Magistrate Judge Hoffman's report and recommendation (R&R), recommending that *pro se* plaintiff Brian Borenstein's complaint (ECF Nos. 1-1 and 6)¹ be dismissed. (ECF No. 5). No objections have been filed, and the deadline for filing objections has since passed.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United*

¹ Plaintiff first attached the complaint to the motion to proceed *in forma pauperis* (ECF No. 1-1). After the entry of the R&R, the clerk filed the complaint separately. (ECF No. 6). This order refers to both as “the complaint.”

1 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
2 employed by the district court when reviewing a report and recommendation to which no
3 objections were made).

4 The deadline to object was August 14, 2017, and the plaintiff has still not done so.
5 Therefore, this court adopts the R&R in its entirety.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge
8 Hoffman's report and recommendation (ECF No. 5) be, and the same hereby is, ADOPTED in its
9 entirety.

10 IT IS FURTHER ORDERED that the complaint (ECF No. 6) is DISMISSED without
11 prejudice for failure to state a claim upon which relief can be granted, with leave to amend.

12 IT IS FURTHER ORDERED that Plaintiff must file an amended complaint within fourteen
13 (14) days or the case will be permanently closed.

14 IT IS FURTHER ORDERED that Plaintiff's motion to stay eviction (ECF No. 3) is
15 DENIED without prejudice.

16 DATED August 28, 2017.

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19 UNITED STATES DISTRICT JUDGE

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